

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HAROLD LOPEZ-ROJO,)
)
Defendant.)

CASE NO. 07-21M

DETENTION ORDER

Offense charged:

Count I: Conspiracy to Distribute Methamphetamine, in violation of Title 21,
U.S.C., Sections 841(a)(1), 841(b)(1)(A), and 846.

Date of Detention Hearing: January 26, 2007

The Court, having conducted a contested detention hearing pursuant to Title 18
U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention
hereafter set forth, finds that no condition or combination of conditions which the defendant
can meet will reasonably assure the appearance of the defendant as required and the safety
of any other person and the community. The Government was represented by Susan Roe.
The defendant was represented by Robert Gombiner.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed the crime of conspiracy to distribute methamphetamine, a drug offense. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) Nothing in this record satisfactorily rebuts the presumption against release for several reasons. Under Title 18 § 3142 (g), the Court considered the following:
 - (a) The nature and circumstances of the offense charged involves a conspiracy. As such, it presents a greater risk of danger and flight given the risk that unnamed or unknown co-conspirators may intervene.
 - (b) The weight of the evidence includes the seizure of 10 pounds of methamphetamine as part of a controlled delivery. Upon his arrest, agents found loaded firearms, including a sawed-off shotgun which were seized from his residence. Authorities also found large amounts of U.S. currency alleged to be evidence of drug trafficking, in the house.
 - (c) Evidence retrieved from his residence appear to show illegal gun ownership and involvement with another charged co-defendant in drug trafficking. The defendant admits to recent trips to Mexico which, thus far, law enforcement cannot rule out as unrelated to international drug trafficking.
 - (d) Risk of danger to the community is inherent in a drug conspiracy and has been recognized in Ninth Circuit case law.

1 Based upon the foregoing information, which is consistent with the recommendation of
2 U.S. Pre-trial Services, there is no condition or combination of conditions that would
3 reasonably assure future Court appearances and/or the safety of other persons or the
4 community.

5 **It is therefore ORDERED:**

- 6 (1) The defendant shall be detained pending trial and committed to the
7 custody of the Attorney General for confinement in a correction facility
8 separate, to the extent practicable, from persons awaiting or serving
9 sentences or being held in custody pending appeal;
- 10 (2) The defendant shall be afforded reasonable opportunity for private
11 consultation with counsel;
- 12 (3) On order of a court of the United States or on request of an attorney for
13 the Government, the person in charge of the corrections facility in which
14 the defendant is confined shall deliver the defendant to a United States
15 Marshal for the purpose of an appearance in connection with a court
16 proceeding; and
- 17 (4) The clerk shall direct copies of this order to counsel for the United
18 States, to counsel for the defendant, to the United States Marshal, and to
19 the United States Pretrial Services Officer.

20 DATED this 29th day of January, 2007.

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24 MONICA J. BENTON
25 United States Magistrate Judge
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